

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPAL RUN, LLC Plaintiff, v. C&A MARKETING, INC., Defendant.	Case no. 2:16-cv-24 Lead Case
OVERNIGHTPRINTS, INC.	Case No. 2:15-cv-2041

**AMENDED DOCKET CONTROL ORDER RE DEADLINE FOR DISCLOSURES FOR
REBUTTAL EXPERT WITNESSES**

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Original	Amended	Event
July 3, 2017	Same	*Jury Selection - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
June 7, 2017	Same	*Pretrial Conference – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
May 31, 2017	Same	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
May 30, 2017	Same	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i>

May 22, 2017	Same	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
May 15, 2017	Same	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
May 15, 2017	Same	Serve Objections to Rebuttal Pretrial Disclosures
May 1, 2017	Same	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
April 24, 2017	Same	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
March 27, 2017	Same	<p>*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
March 27, 2017	Same	Deadline to Complete Expert Discovery
March 6, 2017	March 8, 2017	Serve Disclosures for Rebuttal Expert Witnesses

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;

- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

SIGNED this 3rd day of March, 2017.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE